

predecessor to S. 1843, were introduced in 1964 in the 88th Congress (S. 3041-3048, and S.J. Res. 188).

The bills again were introduced in the 89th Congress (Feb. 2, 1965) (S. 961-S. 968. S.J. Res. 40). Extensive hearings were held on June 22, 23, 24, and 29, 1965. These hearings were arranged to correspond with the Washington meeting of the National Congress of American Indians so that there was a wide representation of American Indians. The Senate Subcommittee on Constitutional Rights received the testimony and statements of some 79 witnesses, including representatives from 36 tribes located in 14 States. These hearings disclosed the need for modifications in the bills. In the 90th Congress, S. 1843 through S. 1847, and Senate Joint Resolution 87 were introduced on May 23, 1967. The text of these five bills and the resolution was consolidated under separate headings in one bill, S. 1843, and was passed by the Senate on December 7, 1967. The text of S. 1843, as passed by the Senate, was included in House Resolution 2516, the civil rights bill which passed the Senate on March 11, 1968.

There is a need for legislation for the protection of the rights of individual American Indians on Indian reservations. The administration of justice for Indians on Indian reservations is a Federal function. The protection of the lives and property of Indians on Indian reservations, and the enforcement of their rights as Indians and as humans, is as much a Federal function as the protection of the health of Indians, or the education of Indians. The history of Interior's appropriations discloses that over the years the Department has consistently requested and received increased amounts to administer "trust property," including irrigation, reclamation, timber, and grazing. Those are the assets used as much by non-Indians as by Indians. But the administration of justice on Indian reservations has been lackluster. Less than 1 percent of the appropriations for the Bureau of Indian Affairs for the last 10 years has been dedicated to "law and order."

S. 1843 and House Resolution 15122 would provide remedial legislation that is long overdue. The bills would place legislative compulsion on the Department of the Interior to take an affirmative interest in providing reservation Indians with a more effective system of justice.

Title I of all three bills before the committee would provide individual Indians with the protection of a bill of rights modified to fit the situation on Indian reservations. An Indian held in detention under tribal law would have the privilege of the writ of habeas corpus, in a Federal court to test the legality of his detention. There is no such protection now.

Title II of S. 1843 and House Resolution 15122 calls on the Secretary of the Interior to recommend to Congress a model code to govern the administration of justice on Indian reservations. Such a model is needed. The tribes understand that they are free to accept or reject the model in whole or in part. Congressman Berry's bill omits this section.

Title III of S. 1843 and House Resolution 15122, the most important title, would modify Public Law 280 to permit State jurisdiction to be extended over Indians on Indian reservations, only with the consent